

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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In the matter of the Application of :  
CLEARVIEW AI, INC., : Index No. [ ] E  
Petitioner, :

For an Order Pursuant to Article 75 of the Civil : PETITIONER’S  
Practice Law and Rules to Confirm the Parties’ : MEMORANDUM OF LAW  
Arbitration Award, : IN SUPPORT OF PETITION  
: TO CONFIRM  
: ARBITRATION AWARD

v. :  
INVESTIGATIVE CONSULTANTS, INC. AND :  
DONALD BERLIN, :  
Respondents. :

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Petitioner Clearview AI, Inc. (“Clearview”), by and through its counsel, Maria N. Ibrahim, respectfully submits this memorandum of law in support of its petition to confirm its arbitration award dated November 7, 2024, rendered in an arbitration before Usher T. Winslett and the American Arbitration Association (AAA), Case No. 01-23-0002-6322, and entry of judgment thereon pursuant to CPLR § 7514.

Clearview seeks to confirm the arbitration award under CPLR § 7510, which provides that “[t]he court shall confirm an award upon application of a party made within one year after its delivery to them, unless the award is vacated or modified.”

This Court has jurisdiction to hear Clearview’s petition under CPLR § 7502, which provides that “[a] special proceeding shall be used to bring before a court the first application arising out of an arbitrable controversy which is not made by motion in a pending action.” CPLR § 7502. Clearview’s petition is the first application arising from its already arbitrated controversy

with Respondents Investigative Consultants Inc. (“ICI”) and Donald Berlin, so it is properly brought under CPLR § 7502.

Because this is an “other proceeding,” and not a “proceeding to stay or bar arbitration,” it can be brought “in the county . . . where the arbitration was held.” CPLR § 7502(a)(i). The arbitration was held in Manhattan, New York City, so the Supreme Court for the County of New York is the correct venue.

Under CPLR § 7510, the Court “shall confirm” Clearview’s award if (1) Clearview brought its petition “within one year after its delivery” and (2) “unless the award is vacated or modified.” Both requirements are satisfied. First, the arbitration award was delivered to Clearview on November 7, 2024 and Clearview brought its petition on December 23, 2024 well within the one-year time limit. Second, the award has not been vacated or modified under New York law. “Giving the word ‘shall’ its ordinary meaning, [this Court is] directed unequivocally by CPLR 7510 to confirm an arbitration award if a timely application is made whenever the award is not vacated or modified under CPLR 7511.” *Bernstein Fam. Ltd. P’ship v. Sovereign Partners, L.P.*, 66 A.D.3d 1, 5 (N.Y. App. Div. 2009). The Court should thus grant Clearview’s petition and confirm the award.

Dated: December 23, 2024

Respectfully submitted,

/s/ Maria N. Ibrahim

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**WORD COUNT CERTIFICATION**

I certify that in relying on the word count of the word-processing system used to prepare the petition, the petition complies with the word limits prescribed by Part 202 of the Uniform Civil Rules (374 words excluding caption and signature block).

Dated: December 23, 2024

Respectfully submitted,

/s/ Maria N. Ibrahim

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